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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

-----x  
ORACLE AMERICA, INC.,  
Plaintiff,  
vs. Case No.  
GOOGLE, INC., CV 10-03561 WHA  
Defendant.

-----x  
December 2, 2015  
9:39 a.m.

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VIDEOTAPED DEPOSITION of MIKE RINGHOFER,  
taken by Defendant, pursuant to Notice,  
at the offices of Orrick Herrington &  
Sutcliffe LLP, 51 West 52nd Street,  
Carnegie Hill, 23rd Floor, New York, New  
York, before Amy Klein Campion, a  
Shorthand Reporter and Notary Public  
within and for the State of New York.

Job No. CS2193288

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1 MS. LEWIS-GRUSS: My objection  
2 is stated for the record. The witness  
3 may answer the question.

4 MR. MULLEN: The objection is  
5 stated for the record but it was an  
6 improper objection and you know that  
7 so --

8 MS. LEWIS-GRUSS: I stated my  
9 objection. The witness can answer the  
10 question.

11 A. Could you repeat the question?  
12 It got a little...

13 MR. MULLEN: Could you read it  
14 back, please.

15 THE REPORTER: Sure.

16 (Requested portion of record  
17 read.)

18 A. That is incorrect. We just  
19 licensed them another set of licenses for  
20 approximately \$1 million that I discussed  
21 a week ago.

22 Q. So Oracle is actively pursuing  
23 [REDACTED] to license Java in mobile phones?

24 A. Yes.

25 Q. Okay. I must have misunderstood

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1 your testimony earlier.

2 Who else on this list is Oracle  
3 actively pursuing to license Java in  
4 mobile phones?

5 A. The -- so I do not know when the  
6 agreements expire for the other accounts  
7 that I mentioned our current licensees.  
8 But when those licensees are coming to  
9 expiration, we will clearly look to  
10 continue those for the current business at  
11 hand.

12 Q. But are you currently aware of  
13 any efforts to do so?

14 A. My team is on top of all deals  
15 that still need licensing and have an  
16 opportunity to -- I just am not aware of  
17 when the license end dates are outside of  
18 the deal we just did with [REDACTED]

19 Q. Is Oracle currently trying to  
20 win new deals with [REDACTED]

21 MS. LEWIS-GRUSS: Objection to  
22 form.

23 A. We're absolutely trying to win  
24 new deals with [REDACTED] yes.

25 Q. Can you tell me about those

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1 efforts?

2 A. I think I just spoke a little  
3 while ago of SmartThings was a new win we  
4 tried to get with [REDACTED] It was in one  
5 of the IoT, if you would, devices.

6 So we are constantly looking at  
7 business. [REDACTED] is a huge device  
8 manufacturer. In the list they're in  
9 wearables. We're pursuing to get them on  
10 a Smartwatch. We lost that to Android.  
11 We pursued them with Smart Appliances such  
12 as a Smart air-conditioner which we lost  
13 to Android. So we are constantly looking  
14 to license [REDACTED] new Java opportunities.

15 Q. So I apologize, I intended to  
16 limit my question to mobile phones.

17 A. Okay. We -- with the current  
18 licensing that just was completed  
19 approximately a week ago, they are  
20 probably licensed for the near term, and  
21 the rest of their phones have Android and  
22 we have -- we have no opportunity from  
23 [REDACTED] because they are believed they're  
24 getting Java already for free from  
25 Android. So we are not pursuing that

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1     portion of Android business. Because  
2     we've been told time and time again  
3     they're not interested in paying when they  
4     got it for free.

5           Q.     Okay. To clarify, then, Oracle  
6     is not actively trying to license Java for  
7     [REDACTED] phones; is that  
8     correct?

9           MS. LEWIS-GRUSS: Objection to  
10     form.

11          A.     We will absolutely try to  
12     license them on new phones, yes.

13          Q.     What phones are those?

14          A.     I'm not aware of the details or  
15     specifics at my level. But if there's a  
16     new designed one or a new phone that comes  
17     up, that there's an opportunity for Java  
18     to be part of, and clearly if Android  
19     [sic] is an opportunity for that phone --  
20     Java is an opportunity for that phone then  
21     we would participate to try to win.

22          Q.     So but are you currently aware  
23     of any such activities?

24          MS. LEWIS-GRUSS: Objection to  
25     form.

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1     what they license. I believe it was ME.  
2     They licensed -- they licensed Java ME  
3     and -- of the current deal that we have --  
4     historically had -- we still -- what we  
5     have had and still have is based on Java  
6     ME.

7           Q.     Is Java ME different than the  
8     CDC Stack?

9           MS. LEWIS-GRUSS: Objection to  
10    form and scope.

11          A.     It's part -- it's -- it's a  
12    deployment of Java ME. Outside of it --  
13    it's not different, it's part of the ME.

14          Q.     Are you familiar with the term  
15    "full stack operating system"?

16          MS. LEWIS-GRUSS: Objection to  
17    form and scope.

18          A.     No.

19          Q.     You never heard that term  
20    before?

21          A.     Full stack operating system, no.

22          Q.     Looking back at Exhibit 1344,  
23    you see the row that says, "Wearables"?

24          A.     (Indicating.)

25          Q.     I think you mentioned -- well,

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1 strike that.

2 Does Oracle currently have a  
3 license with [REDACTED] for Java in wearables?

4 A. We are opportunistically  
5 pursuing an opportunity. And what I mean  
6 by opportunistic, is sometimes some deals  
7 will come to us or have interest where we  
8 certainly bid on. So that's what we're  
9 doing with [REDACTED] and it's -- I believe it's  
10 specific in some kind of a -- like a  
11 healthcare device to [REDACTED]

12 Q. So is there currently a license  
13 with [REDACTED]

14 A. There is not.

15 Q. Is there a current license with  
16 [REDACTED] for use of Java in any wearable?

17 A. There is not because they have  
18 selected Android.

19 Q. And is there a current license  
20 between Oracle and [REDACTED] for a  
21 wearable device?

22 A. There is not because they had  
23 selected Android as well.

24 Q. Does Oracle have any current  
25 licenses for the use of Java in a wearable

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1 device?

2 A. We do not because this is one  
3 market that Android absolutely went after  
4 and has made it extremely difficult for  
5 Oracle to have an opportunity when they  
6 give Java away as part of their oh, that's  
7 for free, we have not been able to  
8 penetrate, and basically have been -- have  
9 stayed away, our strategy, from wearables  
10 because Android is being proliferated  
11 significantly in that market.

12 Q. Has Oracle ever had a market for  
13 the use of Java in a wearable device?

14 MS. LEWIS-GRUSS: Objection to  
15 form.

16 A. I don't know.

17 Q. Did you do anything in  
18 preparation for your deposition today to  
19 find out the answer to that question?

20 A. I was definitely looking to see  
21 if we had won anything at [REDACTED]  
22 Sold a few of these accounts.  
23 Wholistically an exhaustive across all of  
24 accounts, no.

25 Q. Other than [REDACTED]



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1 module companies -- so, sorry. Handset  
2 companies. The ones that we talked about  
3 for phone categories also produce things  
4 that are called wireless modules.

5 And so licensing of Java, that  
6 could be in a car to phone home if a crash  
7 happened, to communicate diagnostics back  
8 to the car company, so it's in the car.  
9 That may be licensed by an OEM, a Tier 1,  
10 or it may be licensed from the automotive  
11 itself. So that's what I mean by I need  
12 to find out exactly where the licensing  
13 occurs. But at the end of the day it ends  
14 up in BMW cars.

15 Q. Okay. What about [REDACTED]

16 A. My understanding is, is they're  
17 directly licensed from us.

18 Q. What have they licensed?

19 A. I believe it's Java ME.

20 Q. And for what purpose?

21 A. So there's an on-board  
22 diagnostic port on vehicles, and they have  
23 a module that plugs into the diagnostic  
24 port -- or OBD2, or whatever it's called,  
25 and it tracks how someone's driving the

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1 car, how aggressive are they, how fast  
2 they accelerate, how fast they brake, and  
3 they typically sell this system or this  
4 service to leasing companies to make sure  
5 the cars are not being abused.

6 Q. Are they currently paying  
7 royalties to Oracle?

8 A. My understanding is that they  
9 are.

10 Q. Do you know how much?

11 A. I don't.

12 Q. Okay. Of the companies listed  
13 under the "Automotive" category, who  
14 amongst them has Oracle lost business due  
15 to Android?

16 A. I'm aware of [REDACTED]  
17 specifically. I'm also aware of an  
18 earlier opportunity at [REDACTED] and I believe  
19 all three, to the best of my knowledge,  
20 center around the kind of the  
21 infotainment -- the head unit, the main  
22 unit that when you get into your car  
23 you're looking at, at controls, the  
24 climate, the radio, that head unit. I  
25 believe in all three scenarios we

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1 participated lost to Android.

2 Q. So did Oracle have a license  
3 with [REDACTED] that -- strike that.

4 Did Oracle have a license with  
5 Volkswagen and then [REDACTED] moved to  
6 Android?

7 MS. LEWIS-GRUSS: Objection to  
8 form.

9 A. We did not. We competed, and  
10 they're extremely price-sensitive, and  
11 unfortunately our price was more than  
12 free.

13 Q. Did Oracle have a license with  
14 Hyundai or Honda?

15 A. We did not. Not for Java.

16 Q. So "Lost" in this context does  
17 not mean Oracle had a deal and lost it?

18 A. It was a lost opportunity to win  
19 business.

20 Q. Meaning that Oracle tried to win  
21 the business but did not?

22 A. Yes, correct.

23 Q. Are there any companies besides  
24 those listed here that Oracle's actively  
25 pursuing to license Java in an automotive?

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1           A.       There may be. I'm just -- don't  
2       know every deal that's going on or every  
3       engagement that's going on worldwide.

4           Q.       Do you know any besides the ones  
5       listed here?

6           A.       I'm not aware.

7           Q.       For "Televisions," of the  
8       companies listed here on Exhibit 1344 in  
9       the "Television" category, who amongst  
10      them is a current Oracle licensee?

11          A.       [REDACTED] they are  
12      all licensees.

13          Q.       Anybody else?

14          A.       Hmmm...

15                 Not -- there may be but not --  
16      not that I specifically remember.

17          Q.       Who is TPV?

18          A.       They're a company based between  
19      Brazil and I believe Taipei that sells TVs  
20      for the Ginga-J, it's a -- it's basically  
21      a standard that's used mainly in South  
22      America for digital TV in Brazil and they  
23      use Java in these markets. In --  
24      basically in Brazil.

25          Q.       So is Ginga-J a company?

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1 MS. LEWIS-GRUSS: Objection to  
2 form.

3 A. No.

4 Q. What about for "Cameras"? Are  
5 either of those companies listed here  
6 companies for whom Oracle once had a deal  
7 for Java that it lost due to Android?

8 MS. LEWIS-GRUSS: Objection to  
9 form.

10 A. Specifically to "Cameras"?

11 Q. Yes.

12 A. Okay. We lost to Android,  
13 meaning, we weren't -- but we did not have  
14 a win to begin with. So, no, we did not  
15 have a win, but we lost competing against  
16 them.

17 Q. And the "E-Book readers," I see  
18 the "Kindle" and the "Kindle Fire" there.  
19 Does the Kindle currently use Java?

20 A. Yes.

21 Q. So that is not a device for  
22 which Oracle has lost --

23 A. Well, the Kindle Fire uses  
24 Android.

25 Q. Yep. Sorry, I apologize. I was

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1 slowing down a little bit in my question.

2 But if you could just be careful of the  
3 pause and give me a chance to finish my  
4 question, that would be great.

5 A. Sorry.

6 Q. I'll try to do the same for your  
7 answers. I know it's not always easy.

8 So does the Kindle currently use  
9 Java?

10 A. Kindle, i.e., eReader not Kindle  
11 Fire.

12 Q. Correct.

13 A. Yes, it does.

14 Q. The Kindle Fire, did Oracle ever  
15 have a deal with Amazon to use Java on the  
16 Kindle Fire?

17 A. We did not.

18 Q. In "Voiceover IP Phones," has  
19 Oracle ever had a deal with [REDACTED] or any  
20 other company that it lost to Android?

21 A. Yes.

22 Q. And was that with [REDACTED]

23 A. Yes.

24 Q. So [REDACTED] used to use Java?

25 A. They still do in some devices.

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1 Q. And they use Android in others?

2 A. But this synopsis is we have  
3 lost the high end and low end market of  
4 the phones, and basically only currently  
5 license the legacy or the -- the older,  
6 mid-range phones. But the high end and  
7 low end phones have since went to Android.

8 Q. What do you mean by "high end  
9 phones"?

10 MS. LEWIS-GRUSS: Objection.

11 A. They have different categories.  
12 I don't know the specifics, but basically  
13 the low feature, low end cheaper from  
14 the -- phones, and the higher end or more  
15 expensive phones had went to Android,  
16 basically the newer phones, and we have  
17 been stuck with the legacy phones that are  
18 still using Java.

19 Q. And are you aware of why it is  
20 that [REDACTED] has decided to use Android for  
21 the more expensive higher end phones?

22 MS. LEWIS-GRUSS: Objection to  
23 form.

24 A. It's because of price  
25 sensitivity. They believe they are

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1 getting it for free.

2 Q. Are there any other reasons?

3 A. Not that I'm aware of.

4 Q. Did Oracle ever have a deal with  
5 [REDACTED] for the use of Java in high end  
6 voiceover IP phones?

7 A. We used -- yes, we used to  
8 license, to my understanding, high end and  
9 low -- all their phones in the beginning.

10 Q. And was that a deal that  
11 resulted in royalties to Oracle?

12 A. Yes.

13 Q. Do you have a general  
14 understanding of how much?

15 A. I do not.

16 Q. Okay. And just so the record is  
17 clear, voiceover IP phone is what?

18 A. A phone such as one in this  
19 conference room that (indicating) uses a  
20 back end server that provides voiceover IP  
21 protocol.

22 Q. In other words, not a mobile  
23 phone?

24 A. Not a mobile phone.

25 Q. Okay.



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1                   MR. MULLEN: I think we're about  
2                   to run out of time on this tape. So  
3                   maybe now is a good chance to take a  
4                   break.

5                   THE VIDEO OPERATOR: We're going  
6                   off the record at 12:10 p.m.

7                   It's end of tape number 2.

8                   (A recess was taken.)  
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